89-227

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 1989

No. _____

RON BROWN

Petitioner,

v.

VIAL, HAMILTON, KOCH & KNOX, et al,

Respondents'.

ON APPEAL FROM THE U.S. COURT OF APPEALS (5th Circuit); ON WRIT OF CERTIORARI TO THE UNITED STATES SUPREME COURT.

Respectfully submitted,

Ron Brown
3614 Marvin D. Love Fwy
@ S. Tyler
Dallas, Texas 75224
(214) 331-4235

PRO SE

QUESTIONS PRESENTED FOR REVIEW

1. Whether it violates equal protection to allow lay claim adjusters or agents to handle personal injury or property claims for and on behalf of insurance corporations, but deny other lay claim adjusters or agents the opportunity to handle personal injury or property claims for and on behalf of citizens of the United States?

2. Whether it violates antitrust laws for groups with similar interests to use litigation as a means to restrict licensed lay claim adjusters from competing with licensed attorneys as agents for the business of adjusting personal injury or property claims on behalf of citizen/claimants of the United States?

3. Whether the federal district court erred in making a factual determination as to the validity of a prior state court judgment when same was being challenged as a "sham"?

4. Whether the state trial court had jurisdiction to hear Respondents' suit against Petitioner?

LIST OF INTERESTED PARTIES

The following is a complete list of all interested parties to this action:

1. All United States Citizens
2. All Licensed Insurance Claim Adjusters
3. Ron Brown
4. Vial, Hamilton, Koch & Knox
5. Byron L. Falk
6. Touchstone, Bernays, Johnston, Beall & Smith
7. Wade C. Smith
8. Sidney H. Davis, Jr.
9. Passman, Jones, Andrews & Holley
10. Shannon Jones, Jr.

11. Johnson, Bromberg & Leeds

12. Robert R. Roby

13. Robert W. Hartson, Inc.

14. Robert W. Hartson

15. State Unauthorized Practice of Law Committee, State Bar of Texas

16. Jim Bloom a/k/a "James D. Blume"

17. State Farm Mutual Automobile Insurance Company

18. Harlan D. Holiner

19. Donovan Elliott

20. Ohio Casualty Insurance Company

21. Trelby Edwards

22. Dick Gallatin

23. Fireman's Fund Insurance Company

24. Ron Watson

25. Van Sims

26. Members Insurance Group

27. Ruth Hunter

28. Leonard Adkins

Ron Brown

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IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 1989

No. _____

RON BROWN

Petitioner,

vs.

VIAL, HAMILTON, KOCH & KNOX, et al.,

Respondents.

ON APPEAL FROM THE U.S. COURT OF APPEALS FOR THE FIFTH (5th) CIRCUIT, NEW ORLEANS LOUISIANA; ON WRIT OF CERTIORARI TO THE UNITED STATES SUPREME COURT.

The Petitioner, RON BROWN, respectfully prays that a writ of certiorari issue to review the judgment of the U.S. Court of Apeals for the Fifth (5th) Circuit, New Orleans, Louisiana, entered on the 18th day of April, 1989. Motion for Rehearing was denied on the 12th day of May, 1989.

OPINIONS BELOW

On November 26, 1986, the 160TH District Court, Dallas County, Texas, entered judgment against Petitioner in cause no. 86-8566-H. [App. D]

On September 22, 1987, the Court of Appeals at Dallas issued its opinion, No. 05-87-00223-CV, affirming the lower court judgment referenced hereinabove. [App. C]

On October 26, 1987, the Court of Appeals at Dallas denied Petitioner's motion for rehearing.

On November 9, 1987, Petitioner filed complaint in the U.S. District Court for the Northern District of Texas, Dallas Division, complaining that said state court judgment, No. 86-8566-H, was a "sham", and that such violated the equal protection clause of the Fourteenth (14TH) Amendment of the United States Constitution.

On January 27, 1988, the Texas Supreme Court denied Petitioner's application for writ of error.

On March 2, 1988, the Texas Supreme Court denied Petitioner's motion for rehearing.

On April 15, 1988, the federal district court ordered "that all discovery shall be completed by July 31, 1989, and, that the trial of this case is set for September 5, 1989". [App. E]

On May 12, 1988, the federal district court "reversed" itself and dismissed Petitioner's complaint. [App. B]

On June 7, 1988, the federal district court denied Plaintiff's motion for new trial.

On July 6, 1988, Petitioner filed notice of appeal.

On April 18, 1989, the U.S. Court of Appeals for the Fifth (5TH) Circuit, New Orleans, Louisiana denied Petitioner's appeal. [App. A]

On May 12, 1989, the U.S. Court of Appeals, Fifth (5TH) Circuit, New Orleans, Louisiana denied Petitioner's motion for rehearing. [App. A]

JURISDICTION

On the 18th day of April, 1989, the U.S. Court of Appeals, Fifth (5TH) Circuit, entered judgment denying Petitioner's appeal. [App. A]

Said Court also denied Petitioner's motion for rehearing on the 12th day of May, 1989. [App. A]

Petitioner assert that although review on certiorari is not a matter of right, it is imperative that this honorable Court exercise its power to review this case because it presents every character of

reasons measured by this Court for acceptance, pursuant to Rule 17 (1) a thru c inclusive.

The jurisdiction of this Court is invoked under Title 28, United States Code, Sections 2101(c), 1651(a) and 1257. See also, Tidal Oil Co. v. Flanagan, 263 U.S. 444 (1924).

CONSTITUTIONAL PROVISIONS INVOLVED

United States Constitution, Amendment I:

> Nor shall any person ... be deprived of the freedom of speech, association or press, without due process of law ...

United States Constitution, Amendment V:

> Nor shall any person ... be deprived of Life, liberty or property, without due process of law ...

United States Constitution,
Amendment XIV:

> Nor shall any person ... be deprived of the equal protection the laws or due process ...

STATEMENT OF THE CASE

On August 21, 1984, Petitioner began a business called "Ron Brown & Associates" premised on the idea of providing quality low-cost claim assistance as a licensed claim adjuster or agent on behalf of citizens desiring to present claims for personal injury, property or other claims arising under various insurance policies.

The facts of this case reveal that Respondents[4] refuse to deal with

Petitioner, and encourage others not to deal with Petitioner in his capacity as a licensed claim adjuster and/or agent/representative in the submission of personal injury, property or other insurance claims on behalf of citizen/claimants of the United States.

Also, the facts establish that Respondents' procured a "sham" judgment against Petitioner through the Texas state court system as part of a scheme to eliminate Petitioner from competing for the business of adjusting insurance claims on behalf of citizen/claimants of the United States. [App. D]

Further, the facts show that Respondents' are engaged in services identical to those performed by Petitioner, but, Respondents' enjoy no

interference whatsoever with the operation of their businesses.

REASON NO. ONE FOR GRANTING THE WRIT

Where licensed and unlicensed lay claim adjusters are allowed to adjust personal injury or property claims for and on behalf of the clients of insurance corporations, equal protection demands that the judgment against Petitioner (a licensed lay claim adjuster) be reversed and that Petitioner be allowed to adjust personal injury or property claims for and on behalf of his clients, i.e. citizens of the United States.

"Equal Protection" is a basis substantive remedy of law afforded every citizen of this country under U.S.

Constitution Amendment 14th. Lee v. Hutson, 810 F. 2d 1030 (1987).

A conflict between the states of last resort subsequently addressing this issue has arisen on the application of the equal protection clause as it relates to the adjustment of personal injury or property claims.

In this case, the Texas Supreme Court, and the U.S. Court of Appeals for the Fifth (5th) Circuit, New Orleans, Louisiana, refused to vacate a lower state court judgment against Petitioner that "contracting, contingency or otherwise, to represent a citizen/claimant as an agent in the adjustment of personal injury or property claims constitutes the unauthorized practice of law".

On exactly the same facts, the adjustment of insurance claims by a layperson on behalf of another, the Ohio Supreme Court held that "a layperson may assist another in the submission of claims and appear as representative at proceedings until the claim is first denied". Goodman v. Beall, 130 Ohio St. - 200 N.E. 470, 471-473, (1936).

HISTORICAL BACKGROUND IN SUPPORT OF REASON NO. ONE

The history of this issue can be traced to the Liberty court. There, in 1939, the Supreme Court of Missouri held that "the adjustment of an insurance claim may be handled by a layperson on

behalf of another; provided such layperson does not pass on a question of legal liability". Liberty Mutual Insurance Co. v. Jones, 130 S.W. 945, 961-962 (1939).

However, said Court went too far in its opinion by placing a restraint upon the trade of this, at that time, "a new profession" by restricting lay claim adjusters from seeking employment from citizen/claimants on undisputed claims. Liberty Mutual Insurance Company v. Jones, supra at 955-961.

But, upon rehearing, the Liberty court corrected its mistake and removed said restraint by ruling that "if the statute forbids the doing of the things permitted by the opinion, it is that far

unconstitutional, as against Sec. 1 of the Fourteenth Amendment of the Federal Constitution, U.S.C.A., and Sections 4 and 30, Art. II of the Missouri Constitution". Liberty Mutual Insurance Company v. Jones, supra at 962.

Shortly thereafter, the "American Bar Association, its members, Insurance Corporations and Lay Claim Handlers, meet at the "ABA"s" Annual Conference in 1939 and agreed to adopt what is commonly known as "The Statement of Principles on Respective Rights and Duties of Lawyers and Laymen in the Business of Adjusting Insurance Claims".

The essential agreement among the parties enumerated in the "Statement of Principles" was that "the adjustment of an insurance claim by a layperson does

not constitute the unauthorized practice of law".

Texas, has even gone a step further to distinguish the business of adjusting insurance claims by a layperson as a separate profession from that of the practice of law by placing the authority to regulate the insurance adjustment business in the hands of its Attorney General and the State Board of Insurance; not the Unauthorized Practice of Law Committee, State Bar of Texas. V.A.T.S., Article 21.07-3, Sec. 20-21, Texas Insurance Code.

During the evolution of the insurance claim adjusters profession, various state courts across the United States have been asked by various Bar

Associations, Insurance Corporations, and its members to adhere to the "unconstitutional" portion of the Liberty opinion which placed a restraint upon the trade of said profession and denied such lay individuals due process and equal protection of the laws provided under the Constitution of the United States.

Below is a sampling of just a few of the opinions handed down by the various state courts with respect to this issue, to wit:

> In the instant case, a Dallas state court, at the instance of these Respondents[4], issued a declaration that your

> Petitioner's "contracting to represent claimants in the adjustment of personal injury and/or property claims arising under car accident policies constituted the unauthorized practice of law, and, further issued a permanent injunction against Petitioner which effectively destroyed and eliminated Petitioner from competing in his chosen trade or profession.

The Dallas Court of Appeals affirmed the decision in Brown v. Unauthorized Practice of Law Committee, State Bar of Texas, 742 S.W. 2d 34 (Tex. App. -- Dallas 1987).

The Texas Supreme Court refused to hear your Petitioner's writ of error.

In another Texas case, the Houston Court of Appeals rendered a similar decision denying a layperson the right to engage in the business of adjusting insurance claims on behalf of a claimant. Quarles v. State Bar of Texas 316 S.W. 2d 797, 803 (1957).

In Illinois, the Supreme Court of that State stated that "there is no decision in Illinois as to whether or not settlement of a personal injury claim constitutes the practice of law". In Re BODKIN, 173 N.E. 2d 440, 441 (1961).

In Ohio, the Supreme Court of that State, on a case directly on point, held "that a layperson may assist another in the submission of claims and appear as representative at proceedings until the claim is first denied". Goodman v. Beall, 130 Ohio St. 200 N.E. 470, 471-73 (1936).

The Ohio and Liberty courts appear to be in agreement upon the essential element of this issue in that both agree "that a layperson may handle insurance claims on behalf of another until either the claim is first denied, or, provided he does not pass on a question of legal liability". Ohio and Liberty; supra.

Indeed, the Dallas opinion rendered in the Brown case can be summed up with the following remarks taken from said opinion:

> "One who represents claimants in the handling of claims with insurance companies is guilty of the unauthorized practice of law. That person is not denied the equal protection of the law because other similar persons are allowed to handle claims on behalf of insurance company clients". [App. C]

Unquestionably, a conflict between the states of last resort has arisen on the application of the equal protection clause as it relates to the adjustment of personal injury and/or property claims.

This honorable Court, nor any federal court, to date, has addressed this issue.

There is no law, state or federal, which holds that "the business of adjusting insurance claims by a layperson on behalf of another constitutes the unauthorized practice of law or the doing of law business".

Moreover, there is an abundance of legal authority to support the proposition of same as "good law".

Unquestionably, a conflict between the states of last resort has arisen on the application of the equal protection clause as it relates to the adjustment of personal injury and/or property claims.

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There is no law, state or federal, which holds that "the business of adjusting insurance claims by a layperson on behalf of another constitutes the unauthorized practice of law or the doing of law business".

Moreover, there is an abundance of legal authority to support the proposition of same as "good law".

Statement of Principles on Respective Rights and Duties of Lawyers and Laymen in the Business of Adjusting Insurance Claims; V.A.T.S., Article 21.07-4(a), Texas Insurance Code; Goodman v. Beall, 130 Ohio St. 200 N.E. 470; Lowell Bar Association v. Loeb, 52 N.E. 2d 27; Liberty Mutual Insurance Company v. Jones, 130 S.W. 2d 945.

Further, in Davis v. Holland, the Court established the rule that "any law affecting a class of business or vocation must affect all of the specified class uniformly and alike". 168 S.W. 11, (Civ. App. 1914).

Respondents' clearly are attempting to enact, through the judicial process, a law which impairs or prohibits the obligation of Petitioner's contract.

Amalgamated Transit Union, Local Division 1338 v. Dallas Public Transit Board, 396 U.S. 838, 90 S.Ct. 99, 24 L. Ed. 2d 89 (1968).

Finally, the Massachusetts Supreme Court so eloquently recognized that "the proposition cannot be maintained, that whenever, for compensation, one person gives to another advice that involves some element of law, or performs for another some service that requires some knowledge of law, or drafts for another some document that has legal effect, he is practising law. All these things are done in the usual course of the work of occupations that are universally recognized as distinct from the practice of law. There is authority for the

proposition that the drafting of documents, when merely incidental to the work of a distinct occupation, is not the practice of law, although the documents have legal consequences". Lowell Bar Association v. Loeb, 315 Mass. 176, 52 N.E. 2d 27, 31 (1943).

Unquestionably, the business of adjusting insurance claims is a separate and distinct profession from that of the practice of law in Texas. V.A.T.S., Article's 21.07-4(a) and 21.07-3, Sec. 20-21, Texas Insurance Code.

The essential question presented by this issue was fairly addressed in the Supreme Court of Ohio decision, which reads:

> "The Court conclude that a layperson may assist another in the submission of claims and appear as representative at proceedings until the claim is first denied". Goodman v. Beall, 130 Ohio St. 200 N.E. 470, 471-73 (1936).

Thus, again, it is imperative that this honorable Court hear this case and resolve the conflict among the states of last resort.

The disposition "as law and justice require" for Petitioner is a reversal of the judgment against him, and the entry of an order requiring the various states to uniformly comply with the decision of this honorable Court rendered herein.

REASON NO. TWO FOR GRANTING THE WRIT

Where a state sanctions an activity, trade or profession by the issuance of a license, may other groups with similar interests use litigation, without violating antitrust laws, to restrict individuals involved in such activity, trade or profession from competing in the free play of market forces.

In California Motor Transport Co. v. Trucking Unlimited, this Court held:

> "We conclude that it would be destructive of rights of association and of petition to hold that groups with common interests may not,

> without violating antitrust laws, use channels and procedures of state and federal acgencies and courts to advocate their causes and points of view respecting resolution of their business and economic interests vis-a-vis their competitors". 404 U.S. 508, 510 (1972).

In U.S. v. Socony-Vacuum Oil Co., this honorable Court stated that "an activity which directly interferes with the ordinary, usual and free play of market forces, pursuit of business and prevents competition is a violation of the Sherman Act". 310 U.S. 150 (1940).

In this case, the Respondents' brought suit to enjoin Petitioner from "contracting, contingency or otherwise, to represent citizen/claimants of this

country as an agent in the adjustment of personal injury or property claims".

Such suit was brought under the "guise" that same constituted the unauthorized practice of law. The 160th District Court of Dallas, Dallas County, Texas, entered judgment for Respondents'. The Dallas Court of Appeals, Texas Supreme Court, U.S. District Court for the Northern District of Texas - Dallas Division, and the U.S. Court of Appeals for the Fifth (5th) Circuit - New Orleans, Louisiana, all either affirmed said judgment or refused to hear Petitioner's complaint or appeal.

The facts of this case clearly establish that Respondents' are attempting to enact a law through the judicial system which would impair the

obligation of Petitioner's contract without authority vested by statute or otherwise, and, also, Respondents' activity against Petitioner is solely in furtherance of its business and economic interests vis-a-vis its competitor, i.e. Petitioner.

Your Petitioner has a license issued by the State of Texas which permits him to practice his trade or profession on behalf of any person who supervises the handling of claims. V.A.T.S., Article 21.07-4(a), Texas Insurance Code.

In Eastern Railroad Conference v. Noerr Motor Freight, Inc., ["Noerr"], and United Mine Workers of America v. Pennington, ["Pennington"], this Court

stated that "the Sherman Act would be applicable where a lawsuit is brought as a sham to cover what is actually an attempt to interfere directly with the business of a competitor". 365 U.S. 127, 144 (1961) and 381 U.S. 657, 669-671 (1965).

The Noerr-Pennington doctrine was extended to the adjudicative process in California Motor Transport Co. v. Trucking Unlimited, 404 U.S. 508 (1972).

In U.S. v. Braniff Airways, Inc., the United States District Court of Texas stated that "if litigation is used as an integral part of a scheme to destroy competition, that litigation can lose its protection under the First Amendment". 453 F. Supp. 724, 731 (1978).

The essential question of this issue

was addressed in an earlier decision of this Court in California Motor Transport Co. v. Trucking Unlimited, supra at 510, 92 S.Ct. at 611.

Further, in Association of Data Processing Services Organizations, Inc. v. Citibank, N.A., the Court held that "the right to petition the court may not be used simply as a cloak to achieve unlawful ends". 508 F. Supp. 91, 93 (1980).

Finally, the Noerr-Pennington doctrine protects First Amendment rights to associate and to petition the government by immunizing conduct designed to influence legislative or executive action from antitrust liability.

Again, the disposition "as law and justice require" for Petitioner is a reversal of the judgment against him, and the entry of an order requiring the various states to uniformly comply with the decision of this Court rendered herein.

REASON NO. THREE FOR GRANTING THE WRIT

Whether the federal district court erred in making a factual determination of the validity of a prior state court judgment when same was being challenged as a "sham".

It is fundamental law that a District Judge may not decide an issue of fact on a motion for summary judgment and/or dismissal. The District Judge is limited to a finding that a material

issue of fact does, or does not, exists. Farbwerke Hoeschst A.G. v. M/V "Don Nicky", 589 F. 2d 795.

In its Memorandum Ruling, the District Court made a determination that said prior state judgment, which was procured by these very same Respondents' against Petitioner, was valid by ruling that because Petitioner's alleged injury stems from activities previously determined to be illegal, he has not shown a cognizable injury. [App. B]

In light of this impermissible determination of fact, U.S. v. Braniff Airways, Inc., requires that Petitioner be afforded an opportunity to demonstrate at trial the precise nature of, and the extent to which the challenged conduct of Respondents' exceeds, lawful perimeters.

453 F. Supp. 724, 731 (N.D. Tex. 1978).

Moreover, under Lee v. Hutson, if a litigant raises at least a "colorable" equal protection claim, such claim cannot be dismissed. 810 F. 2d 1030 (1987); See also, Gilmere v. City of Atlanta, 774 F. 2d 1495 (1985).

Accordingly, as law and justice require, the summary judgment and/or dismissal granted to Respondents' by the federal district court and its affirmance by the U.S. Court of Appeals for the Fifth Circuit, must be reversed.

REASON NO. FOUR FOR GRANTING THE WRIT

Where a party lacks standing to bring suit, a state court's exertion of subject matter jurisdiction exceeds the limits of due process.

In International Shoe Co. v. Washington, 326 U.S. 310, 316, 320, 66 S.Ct. 154, 158, 160, 90 L. Ed. 95 (1945); quoting Milliken v. Meyer, 311 U.S. 457, 463, 61 S. Ct. 339, 342, 85 L. Ed. 278 (1940), this court stated that "the strictures of the Due Process Clause forbids a state court from exercising personal jurisdiction under circumstances that would offend traditional notions of fair play and substantial justice".

A Court must consider (a) the burden on the defendant; (b) the interests of the forum state; and (c) the plaintiff's interest in obtaining relief.

A consideration of these factors in the present case clearly reveal the unreasonableness of the assertion of jurisdiction over Petitioner.

Here, Petitioner is involved in the adjustment of insurance claims involving clear, accepted or undisputed liability on behalf of citizens of this country as an agent or adjuster. Petitioner's activities are sanctioned by the State of Texas who issued him a license which permits him to practice his trade or profession. Respondents' brought suit to enjoin Petitioner from obtaining employment in his chosen trade or profession. Such suit was brought under the "guise" that the business of adjusting insurance claims as an agent or public adjuster constitute the unauthorized practice of law. The Dallas trial court entered judgment for the Respondents', and the Dallas Court of

Appeals, Texas Supreme Court, U.S. District Court and U.S. Court of Appeals affirmed said judgment.

However, the statute under which Respondents purport to receive its authority, Texas Revised Civil Statute Annotated Article 320a-1, sec. 19(b) (Vernon Supp. 1987), provides, in pertinent part, that "the Texas Supreme Court shall appoint an unauthorized practice of law committee for the State Bar. The Committee shall seek the elimination of ... the unauthorized practice of law ... by actions and methods as may be appropriate ... for that purpose".

In contrast, the Statement of Principles on Respective Rights and Duties of Lawyers and Laymen in the

Business of Adjusting Insurance Claims provides, in pertinent part, that "the business of adjusting insurance claims ... does not constitute the unauthorized practice of law".

Moreover, V.A.T.S., Article 21.07-3, sec. 20, Texas Insurance Code provides, in pertinent part, that "the Attorney General ... may institute any injunction proceeding ... to enjoin any person, firm or corporation from engaging or attempting to engage in any of the business ... in violation of this Act or any provisions thereof".

Further, V.A.T.S., Article 21.07-3, sec. 21, Texas Insurance Code provides "that the administration of this Act shall be vested in the State Board of Insurance ... who may establish, and from

time to time amend, reasonable rules and regulations for the administration of this Act".

Thus, it is undisputed that the business of adjusting insurance claims is not the unauthorized practice of law.

Accordingly, the Respondents' do not have power vested by statute which would permit them to seek injunctive relief to enjoin any person, firm or corporation from engaging in the business of adjusting insurance claims.

Clearly, therefore, the trial court committed fundamental error in allowing Respondents' to obtain such relief on a matter they had no regulatory authority over.

For these reasons, the disposition "as law and justice require" for

Petitioner is a reversal of the judgment against him, and for an entry of an order requiring the various States to uniformly comply with the decision rendered in this case.

CONCLUSION AND PRAYER

For the foregoing reasons, Petitioner respectfully pray and request that a writ of certiorari issue to review the judgment of the lower courts herein.

Respectfully submitted,

By: _____

Ron Brown
3614 Marvin D. Love Fwy
at S. Tyler
Dallas, Texas 75224
(214) 331-4235

PRO SE

Dated: August 4th, 1989

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 1989

No. _____

RON BROWN

Petitioner,

v.

VIAL, HAMILTON, KOCH & KNOX, et al

Respondents.

PROOF OF SERVICE

STATE OF TEXAS

ss:

COUNTY OF DALLAS

RON BROWN, after first being duly sworn, deposes and says that pursuant to Rule 28 of the Rules of this Court he served the within Petition for Writ of Certiorari on all counsel for the Respondents by enclosing a copy thereof in an envelope, first class postage prepaid, certified mail, return receipt requested, addressed to the following:

1. Teresa A. Couch, ESQ.
   CARRINGTON, COLEMAN, SLOMAN & BLUMENTHAL
   200 Crescent Court
   Suite 1500
   Dallas, Texas 75201

2. Patrick A. Teeling, ESQ.
   WALTER DAVIS & ASSOCIATES
   Plaza of the Americas
   2116 RPR Tower, LB 319
   Dallas, Texas 75201-2882

3. Gregory Huffman, ESQ.
THOMPSON & KNIGHT
3300 First City Center
1700 Pacific Avenue
Dallas, Texas 75201

4. Mark A. Ticer, ESQ.
COAKLEY & ASSOCIATES
1420 W. Mockingbird Lane
Suite 800
Dallas, Texas 75247

and depositing same in the United States mail at Dallas, Texas on this the 4 day of August, 1989.

Ron Brown - Affiant

SUBSCRIBED AND SWORN to before me this 4th day of August, 1989.

Notary Public
Dallas County, Texas
My Commission Expires: